

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-2(c)**

Jorge E. Nieves, Jr.,  
Debtor(s)

v.

Albert Russo, Standing Chapter 13 Trustee,  
Creditor

Case No.: 17-12247

Judge: Kathryn C Ferguson

Chapter: 13

In Re:

Jorge E Nieves, Jr.,

**CHAPTER 13 DEBTOR'S CERTIFICATION IN OPPOSITION TO**

☐ **CREDITOR'S MOTION or CERTIFICATION OF DEFAULT**

☒ **TRUSTEE'S MOTION or CERTIFICATION OF DEFAULT**

The debtor in the above-captioned chapter 13 proceeding hereby objects to the following  
**(choose one):**

1. ☐ Motion for Relief from the Automatic Stay filed by  
\_\_\_\_\_, creditor.  
A hearing has been scheduled for \_\_\_\_\_, at \_\_\_\_\_.

OR

☒ Motion to Dismiss filed by the Standing Chapter 13 Trustee.  
A hearing has been scheduled for February 16, 2021 at 9:00am.

☐ Certification of Default filed by creditor,  
I am requesting a hearing be scheduled on this matter.

OR

☐ Certification of Default filed by Standing Chapter 13 Trustee  
I am requesting a hearing be scheduled on this matter.

2. I am objecting to the above for the following reasons **(choose one)**:

☐ Payments have been made in the amount of \$\_\_\_\_, but have not been accounted for. Documentation in support is attached hereto.

☐ Payments have not been made for the following reasons and debtor proposes repayment as follows **(explain your answer)**: \_\_\_\_\_

☒ Other **(explain your answer)**: We are filing a new Motion to Sell based on new contractual agreement.

3. This certification is being made in an effort to resolve the issues raised by the creditor in its motion.

4. I certify under penalty of perjury that the foregoing is true and correct.

Date: February 4, 2021

/s/Jorge E. Nieves, Jr.,  
Debtor's Signature

NOTE:

1. This form must be filed with the court and served upon the Standing Chapter 13 Trustee and creditor at least seven (7) days before the return date pursuant to D.N.J. LBR 9013-1(d), if filed in opposition to a Motion for Relief from the Automatic Stay or Trustee's Motion to Dismiss.
2. This form must be filed with the court and served upon the Standing Chapter 13 Trustee and creditor within ten (10) days of the filing of a *Creditor's Certification of Default* (under an *Order Resolving Motion to Vacate Stay and/or Dismiss with Conditions*) or a *Trustee's Certification of Default*.

***If this form is not filed the Motion or Certification of Default will be deemed uncontested and no hearing will be scheduled.***

**NOTE:** Pursuant to the Court's General Orders entered on January 4<sup>th</sup>, 2005, this form must be filed with the Court and served upon the creditor and the Standing Chapter 13 Trustee, **at least seven (7) days before the return date, pursuant to DNJ LBR 9013-1(d), Motion Practice**, if filed in opposition to a *Motion for Relief from the Automatic Stay*; **and**

**within 10 days of the filing of a *Creditor's Certification of Default* under an *Order Resolving Motion to Vacate Stay and/or Dismiss with Conditions*. Absent the filing of this mandatory new form, the creditor's stay relief motion will be deemed uncontested, and the creditor's appearance at the hearing will *not* be required.**

*1/3/05/jml*